

Customer Number: 000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

| | | | | |
|------------------|--|-----------|---|---|
| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION SERIAL NUMBER: 09/161,902 | PRIOR APPLICATION FILING DATE: SEPTEMBER 28, 1998 |
| BBI-009C3CN2 | CLASS: | SUBCLASS: | EXAMINER: A. Mehta | ART UNIT: 1632 |

COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: June 4, 2001

Mailing Label Number: EL 589 739 235 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor

Name of Person Mailing Paper

Signature of Person Mailing Page

Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/161,902 filed on September 28, 1998, of Hermann Bujard and Manfred Gossen, entitled Transgenic Plants Having Tetracycline-Regulated Transcriptional Regulatory Systems.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 93 ___ page(s) of specification (including sequence listing)
 - ☒ 2 ___ page(s) of claims
 - ☒ 1 ___ page(s) of abstract
 - ☒ 15 ___ sheet(s) of drawings (1-14b) (formal)
 - ☒ 10 ___ page(s) of declaration and power of attorney.
2. ☒ The filing fee is calculated below:

| | | | | |
|---|------------------------|-------|-------|--------------|
| | NUMBER OF CLAIMS FILED | | | NUMBER EXTRA |
| TOTAL | * 16 | MINUS | ** 20 | = 0 |
| INDEP. | * 3 | MINUS | *** 3 | = 0 |
| <input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | | |

☒ MULTIPLE DEPENDENT CLAIMS

| SMALL ENTITY | |
|--------------|--------|
| RATE | FEE |
| x 11 = | \$0.00 |
| x 41 = | \$0.00 |
| +135 = | \$0.00 |
| BASIC FEE | \$0.00 |
| TOTAL | \$0.00 |

OR

| OTHER THAN A SMALL ENTITY | |
|---------------------------|-----------------|
| RATE | FEE |
| x 22 = | \$0 |
| x 82 = | \$ 0 |
| + 270 = | \$0 |
| BASIC FEE | \$710.00 |
| TOTAL | \$710.00 |

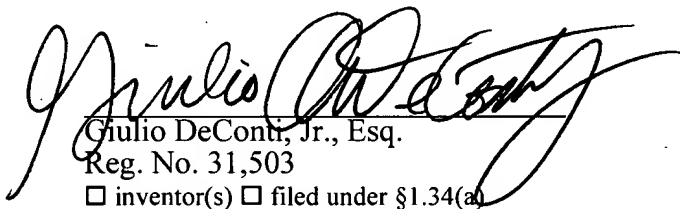
OR

3. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
4. ☒ FILING FEES ARE NOT BEING PAID AT THIS TIME.
5. ☒ Cancel in this application original claims 2-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application and have been included in the calculation of the filing fee.)
7. ☒ The prior application is assigned of record to BASF Aktiengesellschaft and Knoll Aktiengesellschaft, having a subsidiary BASF Bioresearch Corporation.
8. ☒ The power of attorney in the prior application is to Giulio DeConti, Jr., et al. of Lahive & Cockfield, LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ A new power has been executed and is attached.
9. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio DeConti, Jr., Esq. at **Customer Number: 000959** whose address is:
- Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109
10. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
11. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/161,902 filed on September 28, 1998. Please use the computer readable form of application serial no. 09/161,902 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/161,902 are the same.

June 4, 2001
Date

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400


Giulio DeConti, Jr., Esq.
Reg. No. 31,503
☐ inventor(s) ☐ filed under §1.34(a)
☐ assignee of complete interest
☒ attorney or agent of record

T.C. 09/161,902